

# SAN DIEGO ETHICS COMMISSION REVIEW OF THE CITY'S Municipal Lobbying Ordinance

## PROPOSED AMENDMENTS

November 26, 2012

### Chapter 2: Government

#### Article 7: Elections, Campaign Finance and Lobbying

#### Division 40: Municipal Lobbying

### REPORTING FUNDRAISING ACTIVITIES ON QUARTERLY DISCLOSURE REPORTS

The Lobbying Ordinance requires that Lobbying Firms and Organization Lobbyists disclose on their Quarterly Disclosure Reports the total amount of all contributions that an individual has identified himself or herself as having any degree of responsibility for raising. For example, if an individual serves as a co-host of a fundraising event and provides a home or office for the event, the individual has some degree of responsibility for all the funds raised at the event; as a result, the individual's firm or organization must disclose the total amount raised at the event. In some instances, however, the total amount raised at an event might be substantially greater than the amount an individual was personally responsible for raising. For example, an individual on a host committee whose involvement is limited to providing a list of ten potential contributors to be solicited for a fundraising event that ultimately nets \$50,000 in total contributions is probably not going to be recognized for raising \$50,000. With this concern in mind, the Ethics Commission is considering ways in which the individual's role in a fundraising activity may be more accurately disclosed on a Quarterly Disclosure Report. In this regard, Commission staff has prepared three alternatives, as follows:

- Option 1:** Requires no amendment to the Lobbying Ordinance. Revises Quarterly Disclosure Report Schedule E to add a box that can be checked to indicate that the person engaging in fundraising activity was not solely responsible for the amount raised (e.g., was a member of a host committee).
- Option 2:** Amends the Lobbying Ordinance to add a new definition for "assisting a host committee" as a means of identifying a lower level of fundraising activity (e.g., allowing one's name to be used on a fundraising invitation). Maintains the same level of disclosure currently required except that the dollar amount raised need not be disclosed for those who are merely "assisting a host committee." Revises Quarterly Disclosure Report Schedule E to add a box that can be checked to indicate that the person's role was limited to assisting a host committee.
- Option 3:** Amends the Lobbying Ordinance to require disclosure of the amount of contributions the individual knows, or has reason to know, were collected as a result of his or her solicitations. For fundraising events where this information cannot be ascertained, it requires the disclosure of the total amount raised. Revises Quarterly Disclosure Report Schedule E to require the disclosure of whichever amount is applicable, and clarifies when the dollar amount is attributable to the individual or to the event.

## OPTION 1 (SIMPLE CHECKBOX)

### §27.2903 Definitions

*Fundraising* activity means soliciting, or directing others to solicit, *contributions* from one or more contributors, either personally or by hosting or sponsoring a fundraising event, and either (a) personally delivering \$2,000 or more in *contributions* to a *candidate*, a *candidate's* controlled committee, or a committee primarily formed to support or oppose one or more *candidates*, or (b) identifying oneself to a *candidate*, a *candidate's* controlled committee, or a committee primarily formed to support or oppose one or more *candidates* as having any degree of responsibility for \$2,000 or more in *contributions* received as a result of that solicitation.

### §27.4017 Contents of Quarterly Disclosure Report

- (a) Each *lobbying firm's* quarterly disclosure report shall contain the following information:

....

- (6) for each fundraising effort by an owner, officer, or *lobbyist* of the *lobbying firm* who engaged in *fundraising activities* during the reporting period:
- (A) the name of the owner, officer, or *lobbyist* who engaged in the *fundraising activity*;
  - (B) the name of the campaign committee benefiting from the *fundraising activity*;
  - (C) a description of the ballot measure, if any;
  - (D) the date(s) of the *fundraising activity*;
  - (E) a brief description of the *fundraising activity*; and
  - (F) the approximate amount of (i) all *contributions* personally delivered by the owner, officer, or *lobbyist* to the *candidate* or campaign committee; and (ii) all *contributions* for which the owner, officer, or *lobbyist* has identified himself or herself to the *candidate* or campaign committee as having some degree of responsibility for raising.

....

OPTION 1 (SIMPLE CHECKBOX)

SCHEDULE E: FUNDRAISING ACTIVITIES

Name of Lobbying Firm: \_\_\_\_\_

Fill out a separate entry for EACH instance in the reporting period where an owner, compensated officer, or lobbyist of the firm engaged in fundraising activities:

Description of fundraising activity: \_\_\_\_\_

\_\_\_\_\_

Name of individual in firm who engaged in fundraising activity: \_\_\_\_\_

Name of campaign committee benefiting from fundraising: \_\_\_\_\_

\_\_\_\_\_

Description of ballot measure (if applicable): \_\_\_\_\_

Date(s) of fundraising activity: \_\_\_\_\_

Approximate total amount raised (do not divide by number of persons involved): \$ \_\_\_\_\_

☐ Check box if the individual engaged in fundraising activity with other persons (e.g., multiple hosts for event).

Description of fundraising activity: \_\_\_\_\_

\_\_\_\_\_

Name of individual in firm who engaged in fundraising activity: \_\_\_\_\_

Name of campaign committee benefiting from fundraising: \_\_\_\_\_

\_\_\_\_\_

Description of ballot measure (if applicable): \_\_\_\_\_

Date(s) of fundraising activity: \_\_\_\_\_

Approximate total amount raised (do not divide by number of persons involved): \$ \_\_\_\_\_

☐ Check box if the individual engaged in fundraising activity with other persons (e.g., multiple hosts for event).

Description of fundraising activity: \_\_\_\_\_

\_\_\_\_\_

Name of individual in firm who engaged in fundraising activity: \_\_\_\_\_

Name of campaign committee benefiting from fundraising: \_\_\_\_\_

\_\_\_\_\_

Description of ballot measure (if applicable): \_\_\_\_\_

Date(s) of fundraising activity: \_\_\_\_\_

Approximate total amount raised (do not divide by number of persons involved): \$ \_\_\_\_\_

☐ Check box if the individual engaged in fundraising activity with other persons (e.g., multiple hosts for event).

Comments: \_\_\_\_\_

## OPTION TWO (ASSISTING HOST COMMITTEE)

### §27.2903 Definitions

Assisting a host committee is limited to the following actions in connection with an event designed to raise money to support or oppose a City candidate or ballot measure: (1) granting permission for your name to be used on an invitation, flyer, or similar communication relating to the event; (2) offering your home, office, or other premises to be used as the location for the event; (3) providing goods or services to the event; (4) inviting people to the event; and (5) providing a list of names, mailing addresses, e-mail addresses, or similar information for purposes of soliciting contributions in connection with the event. Actions that fall outside the scope of *assisting a host committee* include, but are not limited to, the following: (1) delivering contributions received in connection with the event to the applicable candidate or committee, or otherwise arranging for the delivery of such contributions; and (2) communicating with the applicable candidate or committee concerning any aspect of the fundraising strategy for the event.

*Fundraising activity* means soliciting, or directing others to solicit, *contributions* from one or more contributors, either personally or by hosting or sponsoring a fundraising event or otherwise assisting a host committee, and either (a) personally delivering \$2,000 or more in *contributions* to a *candidate*, a *candidate's* controlled committee, or a committee primarily formed to support or oppose one or more *candidates*, or (b) identifying oneself to a *candidate*, a *candidate's* controlled committee, or a committee primarily formed to support or oppose one or more *candidates* as having any degree of responsibility for \$2,000 or more in *contributions* received as a result of that solicitation.

### §27.4017 Contents of Quarterly Disclosure Report

- (a) Each *lobbying firm's* quarterly disclosure report shall contain the following information:

....

- (6) for each fundraising effort by an owner, officer, or *lobbyist* of the *lobbying firm* who engaged in *fundraising activities* during the reporting period:
- (A) the name of the owner, officer, or *lobbyist* who engaged in the *fundraising activity*;
  - (B) the name of the campaign committee benefiting from the *fundraising activity*;
  - (C) a description of the ballot measure, if any;
  - (D) the date(s) of the *fundraising activity*;
  - (E) a brief description of the *fundraising activity*; ~~and~~
  - (F) if the fundraising activity was limited to assisting a host committee, a statement to that effect.

(G) if the fundraising activity was not limited to assisting a host committee, the approximate amount of (i) all *contributions* personally delivered by the owner, officer, or *lobbyist* to the *candidate* or campaign committee; and (ii) all *contributions* for which the owner, officer, or *lobbyist* has identified himself or herself to the *candidate* or campaign committee as having some degree of responsibility for raising.

. . . .

OPTION TWO (ASSISTING HOST COMMITTEE)

SCHEDULE E: FUNDRAISING ACTIVITIES

Name of Lobbying Firm: \_\_\_\_\_

Fill out a separate entry for EACH instance in the reporting period where an owner, compensated officer, or lobbyist of the firm engaged in fundraising activities:

Description of fundraising activity: _____ _____		
Name of individual in firm who engaged in fundraising activity: _____		
Name of campaign committee benefiting from fundraising: _____ _____		
Description of ballot measure (if applicable): _____		
Date(s) of fundraising activity: _____		
Complete as Applicable:	<input type="checkbox"/> Individual's role was limited to assisting a host committee.	OR Total amount of contributions delivered or with any responsibility for raising: \$_____

Description of fundraising activity: _____ _____		
Name of individual in firm who engaged in fundraising activity: _____		
Name of campaign committee benefiting from fundraising: _____ _____		
Description of ballot measure (if applicable): _____		
Date(s) of fundraising activity: _____		
Complete as Applicable:	<input type="checkbox"/> Individual's role was limited to assisting a host committee.	OR Total amount of contributions delivered or with any responsibility for raising: \$_____

Description of fundraising activity: _____ _____		
Name of individual in firm who engaged in fundraising activity: _____		
Name of campaign committee benefiting from fundraising: _____ _____		
Description of ballot measure (if applicable): _____		
Date(s) of fundraising activity: _____		
Complete as Applicable:	<input type="checkbox"/> Individual's role was limited to assisting a host committee.	OR Total amount of contributions delivered or with any responsibility for raising: \$_____

Comments: \_\_\_\_\_

## OPTION THREE (INDIVIDUAL OR EVENT)

### §27.2903 Definitions

*Fundraising activity* means soliciting, or directing others to solicit, *contributions* from one or more contributors, either personally or by hosting or sponsoring a fundraising event, and either (a) personally delivering \$2,000 or more in *contributions* to a *candidate*, a *candidate's* controlled committee, or a committee primarily formed to support or oppose one or more *candidates*, or (b) identifying oneself to a *candidate*, a *candidate's* controlled committee, or a committee primarily formed to support or oppose one or more *candidates* as having any degree of responsibility for \$2,000 or more in *contributions* received as a result of that solicitation.

### §27.4017 Contents of Quarterly Disclosure Report

- (a) Each *lobbying firm's* quarterly disclosure report shall contain the following information:

....

- (6) for each fundraising effort by an owner, officer, or *lobbyist* of the *lobbying firm* who engaged in *fundraising activities* during the reporting period:
- (A) the name of the owner, officer, or *lobbyist* who engaged in the *fundraising activity*;
  - (B) the name of the campaign committee benefiting from the *fundraising activity*;
  - (C) a description of the ballot measure, if any;
  - (D) the date(s) of the *fundraising activity*;
  - (E) a brief description of the *fundraising activity*; and
  - (F) the approximate amount of (i) all *contributions* personally delivered by the owner, officer, or *lobbyist* to the *candidate* or campaign committee; and (ii) all *contributions* for which the owner, officer, or *lobbyist* ~~has identified himself or herself to the candidate or campaign committee as having some degree of responsibility for raising~~ knows or has reason to know were made, in whole in or part, as a result of his or her solicitations. If the individual cannot ascertain the approximate amount of contributions attributable to solicitations he or she made in connection with a fundraising event, the approximate total amount of contributions collected in connection with the event shall be disclosed.

....

OPTION THREE (INDIVIDUAL OR EVENT)

SCHEDULE E: FUNDRAISING ACTIVITIES

Name of Lobbying Firm: \_\_\_\_\_

Fill out a separate entry for EACH instance in the reporting period where an owner, compensated officer, or lobbyist of the firm engaged in fundraising activities:

Description of fundraising activity: _____ _____		
Name of individual in firm who engaged in fundraising activity: _____		
Name of campaign committee benefiting from fundraising: _____ _____		
Description of ballot measure (if applicable): _____		
Date(s) of fundraising activity: _____		
Complete as Applicable:	Total amount attributable to individual's solicitations: \$ _____	OR Total amount raised at fundraising event: \$ _____

Description of fundraising activity: _____ _____		
Name of individual in firm who engaged in fundraising activity: _____		
Name of campaign committee benefiting from fundraising: _____ _____		
Description of ballot measure (if applicable): _____		
Date(s) of fundraising activity: _____		
Complete as Applicable:	Total amount attributable to individual's solicitations: \$ _____	OR Total amount raised at fundraising event: \$ _____

Description of fundraising activity: _____ _____		
Name of individual in firm who engaged in fundraising activity: _____		
Name of campaign committee benefiting from fundraising: _____ _____		
Description of ballot measure (if applicable): _____		
Date(s) of fundraising activity: _____		
Complete as Applicable:	Total amount attributable to individual's solicitations: \$ _____	OR Total amount raised at fundraising event: \$ _____

Comments: \_\_\_\_\_